

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This Document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03-cv-9849 (GBD)(SN)

**BURNETT PLAINTIFFS' NOTICE OF MOTION FOR
ENTRY OF DEFAULT JUDGMENTS AGAINST THE TALIBAN**

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks (hereinafter "Eubanks Decl."), with exhibits, and the accompanying memorandum of law, the *Burnett* Plaintiffs identified in Exhibits B-1, B-2, and B-3 to the Eubanks Decl., respectfully move this Court for an Order awarding them (1) compensatory damages for conscious pain and suffering (as indicated in Exhibit B-1) in the same per estate amount previously awarded by this Court to the Plaintiffs identified in Exhibit B-1 against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and/or the Central Bank of the Islamic Republic of Iran (collectively the "Iran Defendants"); (2) solatium damages for the losses they suffered as immediate family members (in this instance, spouse, parents, children, siblings, and their functional equivalents) of their decedents (as indicated in Exhibit B-2) in the same per plaintiff amount previously awarded by this Court to the Plaintiffs identified in B-2 against the Iran Defendants; (3) pain and suffering damages for their personal injuries (as indicated in Exhibit B-3) in the same amounts previously awarded by this Court to those Plaintiffs identified in Exhibit B-3 against the Iran Defendants; (4) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment: and (5) permission for the *Burnett* plaintiffs identified in Exhibits B-1, B-2, B-3 to seek punitive damages and economic damages at a later date.

In addition, the *Burnett* Plaintiffs identified in Exhibits C-1 and C-2 to the Eubanks Decl., respectfully move this Court for an Order awarding them (1) compensatory damages for conscious pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11 attacks (as indicated in Exhibit C-1); (2) solatium damages for the losses they suffered as immediate family members (in this instance, spouse, parents, children, siblings, and their functional equivalents) of their decedents in the same per plaintiff amount previously awarded by this Court to various identically situated plaintiffs (as indicated in C-2); (3) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; and (4) permission for the *Burnett* plaintiffs identified in Exhibits C-1 and C-2 to seek punitive damages and economic damages at a later date.

Burnett Plaintiffs identified in Exhibit D-1 to the Eubanks Decl., who have not yet obtained a judgment for pain-and-suffering damages against the Iran Defendants, given the complexities in addressing personal-injury claims in this litigation, respectfully move this Court for an Order establishing a method of calculating their damages values. *Burnett* Plaintiffs identified in Exhibit D-2 to the accompanying Eubanks Decl., asserting the status of functional equivalents of close family members, who have not yet sought or obtained judgment from the Court determining whether they qualify as such and the value of their solatium claims, respectfully move this court for an Order establishing a method of expedited review of their claims to allow for entry of judgment in those cases where the Court deems it would be appropriate.

Burnett Plaintiffs identified in Exhibits E-1 and E-2 to the Eubanks Decl., who joined the MDL proceedings after the entry of default against The Taliban on April 7, 2006 and are encompassed within the default judgment against The Taliban, respectfully move this Court for an

Order awarding (1) wrongful-death, solatium, and personal-injury damages to Plaintiffs who have obtained prior judgments against the Iran Defendants (in the amounts indicated and for those Plaintiffs identified in Exhibit E-1); (2) wrongful-death and solatium damages to Plaintiffs who have not obtained prior judgments against the Iran Defendants (in the amounts indicated and for those Plaintiffs identified in Exhibit E-2); (3) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; and (4) permission for the *Burnett* plaintiffs identified in Exhibits E-1 and E-2 to seek punitive damages and economic damages at a later date.

Finally, personal injury *Burnett* Plaintiffs identified in Exhibit E-3 to the Eubanks Decl., who joined the MDL proceedings after the entry of default against The Taliban on April 7, 2006 and are encompassed with the default judgment against The Taliban, but who have not yet obtained judgments against the Iran Defendants, respectfully move this Court for an Order establishing a method of calculating their damages values.

Plaintiffs' request is made in connection with the judgment on default as to liability entered against *inter alia* The Taliban on April 7, 2006.

Dated: January 20, 2022

Respectfully submitted,

MOTLEY RICE LLC

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